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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/851,488

Applicant(s)

WILLIAMS, GENE

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment, which is filed June 3, 2005.

An amendment to the claims 1, 3-4, 6-19 and 21 have been entered and made of record in the Application of Williams for a "Motion activated communication devices" filed May 8, 2001.

Claims 1, 3-4, 6-19 and 21-22 are pending.

### ***Response to Arguments***

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respected to the pending claims 1, 3-4, 6-19 and 21, filed on June 3, 2005, have been fully considered but they are not persuasive for at least the following reasons.

On page 15, second paragraph, Applicant's argument with respect to the invention of Knuth et al. and Ahluwalia that there is no such motivation or suggestion exists in any of the cited patents to make a combination thereof, is not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184

USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Knuth et al. suggest the record and playback 32 of the telephone answering device is connected to the audio control circuit 26. The record and playback system 32 records the personal outgoing message of the user and records and plays back the incoming messages from callers in the manner of a conventional telephone answering device. The recording medium can be either a tape or digital memory, both of which are well known in the art, or any other desirable recording medium (col. 3 lines 1-9).

In the same field of endeavor of answering machine device system, Ahluwalia suggests a voice mail system operates direct from the user commands, such as reply, repeat, next, help, save, and delete (col. 8 line 55 to col. 9 line 42) in order to provide convenience for the user to operate the voice answering machine.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-4,6,8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506).

Referring to claim 1, Knuth et al. disclose a communication system for managing messages, comprising:

means (32) (i.e. record and playback means) for retrievably storing at least one message;

means (32) (i.e. record and playback means) for retrieving said at least one message;

means (26) (i.e. audio control circuitry) for transmitting said at least one message to a user (col. 3 lines 1-42; see Figure 1); and

at least one motion detector (42) (i.e. proximity sensor) for detecting motion within a selected range of said communication system, wherein said means (32) (i.e. record and playback means) for retrievably storing said message, said means (32) (i.e. record and playback means) for retrieving said message and said means (26) (i.e. audio control circuitry) for transmitting said message to a user are in communication with said at least one motion detector (42) (i.e. a proximity sensor), and wherein said at least one motion detector (42) (i.e. a proximity sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message, wherein upon activation said means (30) (i.e. speaker) for transmitting said at least one message transmits a message

status statement to the user (col. 2 lines 7-19, col. 3 lines 1-32 and col. 4 lines 33-58; see Figure 1).

However, Knuth et al. did not explicitly disclose wherein said means for transmitting said at least one message requires a direct order to perform a task, said direct order selected from a group of orders comprising play, erase, save, repeat, forward, reply, datestamp, playback, stop, and delete, wherein a voice control system receives, recognizes and interprets each said direct order from the user irrespective of the sequence, and directs a microprocessor in accordance with a task objective of each said direct order.

In the same field endeavor of voice active communication system, Ahluwalia discloses wherein said means for transmitting said at least one message requires a direct order to perform a task, said direct order selected from a group of orders comprising reply, repeat, next, help, save, and delete, wherein a voice control system receives, recognizes and interprets each said direct order from the user irrespective of the sequence, and directs a microprocessor in accordance with a task objective of each said direct order (col. 2 lines 1-14 and col. 8 line 55 to col. 9 line 42) of operating the voice mail system.

One ordinary skill in the art understands that voice commands of a voice mail system of Ahluwalia is desirable in the voice mail system of Knuth et al.; Knuth et al. suggest the telephone answering device it recognizes the presence of the owner: TAD: "Hello, you have three messages." "Should I play your messages?" Owner: "Yes." (As he begins to put groceries away.) TAD: "I will play your messages." (telephone

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answering device rewinds and plays the messages as the owner listens, while continuing to put away groceries.) TAD: "This was your last message." (After playing the last message) "Should I play your messages again?" Owner: "NO." TAD: "Should I erase your messages?" Owner: "No." (He may want to hear them later, perhaps to write down a telephone number). TAD: "I will save your messages." (col. 4 lines 35-47); and Ahluwalia suggests a voice mail system operates direct from user commands, such as reply, repeat, next, help, save, and delete (col. 8 line 55 to col. 9 line 42). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include voice commands of Ahluwalia in the voice mail system of Knuth et al. with the motivation for doing so would provide operating voice mail system from YES and NO commands directed from the system as an alternative of commands of direct order from the user irrespective of the sequence.

Referring to claim 22, Knuth et al. in view of Ahluwalia disclose a voice activated of a voice mail system of claim 1, claim 22 is equivalent to that of claim 1 addressed above, incorporated herein. Therefore, claim 22 is rejected for same reasons given with respected to claim 1.

Referring to claim 3, Knuth et al. in view of Ahluwalia disclose the communication system of claim 1, Knuth et al. disclose wherein said at least one motion detector is an infrared radiation detector (col. 3 lines 30-32).

Referring to claim 4, Knuth et al. in view of Ahluwalia disclose the communication system of claim 1, Knuth et al. disclose wherein said at least one motion detector is an optical system (col. 3 line 25).

Referring to claim 6, Knuth et al. in view of Ahluwalia disclose the communication system of claim 1, Ahluwalia discloses wherein said microprocessor utilizes a software programmed vocabulary to execute said control objective of each said direct order (col. 4 line 55 to col. 5 line 16).

Referring to claim 8, Knuth et al. in view of Ahluwalia disclose the communication system of claim 1, Knuth et al. disclose further comprising a timer apparatus, wherein operation of said at least one motion detector is limited to a specified interval of said timer apparatus (col. 5 lines 14-17).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506) as applied to claim 1 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 7, Knuth et al. disclose the communication system for managing messages of claim 1 above. However, Knuth et al. did not explicitly disclose wherein said group of orders further comprises a direct order enabling a message to be delivered to a user at a designated date.

In the same field endeavor of reminding message system, Hartstein teaches wherein said group of orders further comprises a direct order enabling a message to be delivered to a user at a designated date (col. 4 lines 20-23) in order to remind a person on that specific date and time of a plan or event.

One ordinary skill in the art understands that delivering message to a user at a designated date of Knuth et al. in view of Ahluwalia because Knuth et al., Ahluwalia and Hartstein suggest electronic voice commands mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, and see Harstein, col. 3 lines 1-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include plurality of messages may be delivered to a user at a specific date and/or time disclosed by Hartstein into electronic answering device of Knuth et al. in view of Ahluwalia with the motion for doing so would allow the message to play on that date and time to remind the user of his/her plan.

Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852).

Referring to claim 9, Knuth et al. in view of Ahluwalia disclose the communication system for managing messages of claim 1 above. Knuth et al. disclose wherein said means (32) (i.e. record and playback means) for retrievably storing at least one message is a recording unit, said recording unit enabling receipt, storage and playback

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of a plurality of messages (col. 3 lines 1-9; see Figure 1); and wherein said means (32) (i.e. record and playback means) for retrieving said at least one message and said means(32) (i.e. record and playback means) for transmitting said at least one message to a user comprise said microprocessor (32) (i.e. microprocessor), wherein said microprocessor (32) receives orders from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) (i.e. microphone) and said voice control system (36) enabling the user to verbally command said microprocessor (18); a speaker (30) (i.e. a speaker), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of said recording unit (32) (i.e. record and playback unit), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system (36) and audibly communicates each message of said plurality of messages received and stored by said recording unit (32) (col. 2 line 60 to col. 3 line 32; see Figures 1-2). Furthermore, Ahluwalia discloses the direct orders from the user (col. 8 line 55 to col. 9 line 42).

However, Knuth et al. in view of Ahluwalia did not explicitly disclose a message monitoring means.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means (112) (i.e. a message counter) (col. 4 lines 8-11; see Figures 1-2) in order to keep count of the total number of messages stored in the system.

One ordinary skill in the art understands that message counter of Duncan is desirable in the electronic mail system of Knuth et al. in view of Ahluwalia because Knuth et al., Ahluwalia and Duncan suggest electronic voice commands mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, and see Duncan, col. 2 lines 12-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a message counter disclosed by Duncan into electronic answering device of Knuth et al. in view of Ahluwalia with the motivation for doing so would allow the count of messages stored in the system.

Referring to claim 10, Knuth et al. in view of Ahluwalia and further in view of Duncan disclose the communication system for managing messages of claim 9, Duncan discloses further wherein said message monitoring means is an event counter (112) (i.e. a message counter), wherein said event counter increases by an incremental unit for each said message of said plurality of messages received and stored by said recording unit, and wherein said event counter decreases by said incremental unit for each said message of said plurality of messages deleted from said plurality of messages received and stored by said recording unit (col. 4 lines 8-11; see Figures 1-2).

Referring to claim 12, Knuth et al. in view of Ahluwalia and further in view of Duncan, Duncan disclose the communication system for managing messages of claim

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9, Knuth et al. disclose wherein said recording unit receives each said message of said plurality of messages at least from incoming telephone messages (col. 2 lines 10-15).

Referring to claim 13, Knuth et al. in view of Ahluwalia and further in view of Duncan, Duncan disclose the communication system for managing messages of claim 9, Knuth et al. disclose wherein said recording unit receives each said message of said plurality of messages at least from said microphone (col. 3 lines 10-16).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506) and Duncan (US# 5,949,852) as applied to claim 10 above, and further in view of Van Ryzin et al. (US# 6,353,659).

Referring to claim 11, Knuth et al. in view of Ahluwalia and Duncan disclose the communication system for managing messages of claim 10 above. However, Knuth et al. in view of Ahluwalia and Duncan did not explicitly disclose wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit.

In the same field of endeavor of answering machine apparatus, Van Ryzin et al. disclose wherein said voice control system, said recording unit (28) (i.e. recording and reproducing device), said microprocessor (12) (i.e. processor), said speaker (32) (i.e. speaker) and said event counter (34) (i.e. counter) are within an circuit (col. 3 lines 8-23;

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see Figure 1) of a message machine apparatus (10) in order to record and reproduce messages.

One ordinary skill in the art understands that recording unit, microprocessor, speaker and counter are within a housing unit of Van Ryzin et al. is desirable in the electronic mail system of Knuth et al. in view of Ahluwalia and Duncan because Knuth et al., Ahluwalia, Duncan and Van Ryzin et al. suggest electronic mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, see Duncan, col. 2 lines 12-20 and see Van Ryzin et al., col. 2 lines 15-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said voice control system, said recording unit, said microprocessor, said speaker and said event counter are carried within a housing unit of message machine apparatus (10) disclosed by Van Ryzin et al. into electronic answering device of Knuth et al. in view of Ahluwalia and Duncan with the motion for doing so would allow more convenience, less space and cost to produce an answering device.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506) as applied to claim 1 above, and further in view of Duncan (US# 5,949,852) and Irribarren (US# 5,349,636).

Referring to claim 14, Knuth et al. disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (32) (i.e.

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record and playback means) for retrieving said message and said means (32) (i.e. record and playback means) for transmitting said message to a user comprise a microprocessor (18) (i.e. microprocessor), wherein said microprocessor (18) receives said signal from said at least one motion detector (42) (i.e. proximity sensor), wherein said microprocessor (18) includes communication software (i.e. user and device used communication software to communicate to each other) for controlling communications in a telephone system (col. 4 lines 5-50), and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42), wherein said speaker (30) audibly announces information regarding status and operation of a voice mail system (i.e. see Figure 1), and wherein said speaker (30) is responsive to said microprocessor (18) via said voice control system and audibly communicates each message of said plurality of messages received and stored by the voice mail system (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth in view of Ahluwalia did not explicitly disclose a message monitoring means, wherein said message monitoring means responds to an audible indicator of the voice mail system to indicate the presence of at least one message received and stored by the voice mail system, and wherein said voice mail systems

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interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of answering machine system, Duncan discloses a message monitoring means, wherein said message monitoring means (112) (i.e. a counter) responds to an audible indicator of the voice mail system to indicate the presence of at least one message received and stored by the voice mail system (col. 3 line 66 to col. 4 line 14) in order to count the total of messages stored in the memory.

One ordinary skill in the art understands that message counter of Duncan is desirable in the electronic mail system of Knuth et al. in view of Ahluwalia because Knuth et al., Ahluwalia and Duncan suggest electronic voice commands mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, and see Duncan, col. 2 lines 12-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the message counter to keep count of the total number of messages stored in the system disclosed by Duncan into electronic answering device of Knuth et al. with the motion for doing so would allow the device with an audio indication of messages stored within.

However, Knuth et al. in view of Ahluwalia and Duncan did not explicitly disclose wherein said voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system.

In the same field of endeavor of voice message system, Irribarren teaches voice mail systems interface enabling said microprocessor (414) to utilize an external

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telephone line to access and operate the voice mail system (col. 6 lines 57 to col. 7 line 7; see Figure 4) in order to access the voice mail from the phone line.

One ordinary skill in the art understands that external phone line of Irribarren is desirable in the electronic mail system of Knuth et al. in view of Makovicka because Knuth et al., Ahluwalia, Duncan and Irribarren suggest electronic mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, see Duncan, col. 2 lines 12-20, and Irribarren, see Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include voice mail systems interface enabling said microprocessor to utilize an external telephone line to access and operate the voice mail system disclosed by Irribarren into voice system of Knuth et al. in view of Ahluwalia and Duncan with the motivation for doing so would allow the user to access the voice message system from different telephone lines.

Referring to claim 15, Knuth et al. in view of Ahluwalia, Duncan and further in view of Irribarren disclose the communication system for managing messages of claim 14, Duncan discloses wherein said microprocessor (414) converts said commands received from said voice control system into corresponding tone frequencies of a telephone keypad (col. 2 lines 12-20 and col. 4 lines 55-65).

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506) as applied to claim 1

above, and further in view of Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636).

Referring to claim 16, Knuth et al. in view of Ahluwalia disclose the communication system for managing messages of claim 1, Knuth et al. disclose wherein said means (i.e. record and playback unit) for retrieving said message and said means (i.e. record and playback unit) for transmitting said message to a user comprise a microprocessor (18), wherein said microprocessor (18) receives said signal from said at least one motion detector (42) (i.e. proximity sensor) and wherein said microprocessor (18) receives commands from a voice control system (36) (i.e. voice recognition circuit), said voice control system (36) having a microphone (34) and said voice control system (36) enabling a user to verbally command said microprocessor (18); a speaker (30), wherein said speaker (30) is activated by said microprocessor (18) in response to said signal from said at least one motion detector (42) (col. 2 lines 7-19, col. 2 line 57 to col. 3 line 32 and col. 4 lines 5-50; see Figure 1).

However, Knuth et al. in view of Ahluwalia did not explicitly disclose wherein said speaker audibly announces information regarding status and operation of an electronic mail system, and wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received

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and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of electronic mail notification device, Ito et al. teach wherein said speaker audibly announces information regarding status and operation of an electronic mail system (page 5, paragraph 69) in order to hear the announcing of a call or an electronic mail.

One ordinary skill in the art understands that a speaker audibly announces information regarding status and operation of electronic mail of Ito et al. is desirable in the electronic answering device of Knuth et al. in view of Ahluwalia because Knuth et al. in view of Ahluwalia suggest voice commands of electronic mail system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14) and Ito et al. suggest an audio sound of mail status (page 5, paragraph 69). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a speaker audibly announces information regarding status and operation of an electronic mail system disclosed by Ito et al. into electronic answering device of Knuth et al. in view of Ahluwalia with the motion for doing so would allow the user the arrival of electronic mails.

However, Knuth et al. in view of Ahluwalia and Ito et al. did not explicitly disclose wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and a message monitoring means, wherein said

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message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system, and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system.

In the same field of endeavor of retrieving message system, Irribarren teaches wherein said speaker is responsive to said microprocessor (404) (i.e. microprocessor) via said voice control system (500) (i.e. voice message system) and audibly communicates each message of said plurality of messages received and stored (i.e. in CPU memory 420) by the electronic mail system (500) (col. 6 line 57 to col. 7 line 23); and message monitoring means, wherein said message monitoring means (504) (i.e. means indication of number of messages) responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface (108) (i.e. host computer), said computer unit interface (108) enabling said microprocessor (414) to access and operate the electronic mail system (col. 3 line 55 to col. 4 line 5 and col. 7 lines 1-4; see Figures 2-5) in order for the user to have both options of text and voice message access.

One ordinary skill in the art understands that mail method of Irribarren is desirable in the electronic mail system of Knuth et al. in view of Ahluwalia and Ito et al. because Knuth et al., Ahluwalia, Ito et al. and Irribarren suggest electronic mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, see Ito et

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al., page 5, paragraph 69, and Irribarren, Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include wherein said speaker is responsive to said microprocessor via said voice control system and audibly communicates each message of said plurality of messages received and stored by the electronic mail system; and message monitoring means, wherein said message monitoring means responds to an indicator of the electronic mail system to indicate the presence of at least one message received and stored by the electronic mail system; and wherein said means for retrievably storing a message is a computer unit interface, said computer unit interface enabling said microprocessor to access and operate the electronic mail system disclosed by Irribarren into messaging system of Knuth et al. in view of Ahluwalia and Ito et al. with the motivation for doing so would allow the user to access both text and electronic mail system.

Referring to claim 17, Knuth et al. in view of Ahluwalia, Ito et al. and further in view of Irribarren disclose the communication system for managing messages of claim 16. Irribarren discloses wherein said microprocessor includes software enabling said microprocessor to direct the electronic mail system via said computer unit interface, wherein said verbal commands from said voice control system are utilized for operative control of a computer unit (col. 5 lines 35-40)

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506), Ito et al. (US# 2001/0036264)

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and Irribarren (US# 5,349,636) as applied to claim 17 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 18, Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren disclose the communication system for managing messages of claim 17. However, Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren did not explicitly disclose wherein said verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit.

In the same field of endeavor of motion detecting system, Hartstein teaches verbal commands from said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit (col. 3 lines 33-38; see Figure 3) in order to sense the movement of a person within the area of the computer system (30).

One ordinary skill in the art understands that substitution of verbal commands of voice control system to pointing device for controlling the motion of a cursor is desirable in the electronic mail system of Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren because Knuth et al., Ahluwalia, Ito et al., Irribarren and Hartstein suggest electronic mail related system (i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, see Ito et al., page 5, paragraph 69, see Irribarren, see Abstract, and see Hartstein, col. col. 3 lines 1-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include verbal commands from

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said voice control system are substituted for manipulation of a pointing device for control of motion of a cursor on a computer display and are utilized for operative control of the computer unit disclosed by Hartstein into messaging system of Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren with the motivation for doing so would allow the motion detector sensing is applied to the computer system.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knuth et al. (US# 5,406,618) in view of Ahluwalia (US# 6,370,506), Ito et al. (US# 2001/0036264) and Irribarren (US# 5,349,636) as applied to claim 16 above, and further in view of Hartstein (US# 6,483,695).

Referring to claim 19, Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren disclose the communication system for managing messages of claim 16. However, Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren did not explicitly disclose further comprising an audible reminder, wherein said audible reminder is programmable for delivery at a specified time.

In the same field endeavor of reminding message system, Hartstein teaches an audible reminder, wherein said audible reminder is programmable for delivery at a specified time (col. 4 lines 3-23) in order to play the remind message to the person at specific date and time.

One ordinary skill in the art understands that substitution of verbal commands of voice control system to pointing device for controlling the motion of a cursor is desirable

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in the electronic mail system of Knuth et al. in view of Aluwalia, Ito et al. and Irribarren because Knuth et al., Ahluwalia, Ito et al., Irribarren and Hartstein suggest electronic mail related system(i.e. see Knuth et al., col. 2 lines 1-25, see Ahluwalia, col. 2 lines 1-14, see Ito et al., page 5, paragraph 69, see Irribarren, Abstract, and see Hartstein, col. col. 3 lines 1-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include audible reminder, wherein said audible reminder is programmable for delivery at a specified time disclosed by Hartstein into messaging system of Knuth et al. in view of Ahluwalia, Ito et al. and Irribarren with the motivation for doing so would allow the device to remind the person an event or an appointment for that specific day and time.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartstein (US# 6,483,695) in view of Knuth et al. (US# 5,406,618).

Referring to claim 21, Hartstein discloses a method of managing electronic messages, comprising the steps of:

a. obtaining a portable, dedicated communication system for managing messages, comprising means (i.e. a memory) for retrievably storing at least one message (col. 3 lines 3-6; see Figures 4A and 4B); means (52) (i.e. speech recognition circuit) for retrieving said at least one message; means (50) (i.e. speech synthesizer circuit) for transmitting said at least one message to a user (col. 3 lines 3-6; see Figures 4A and 4B); and at least one motion detector (64) (i.e. motion sensor) for detecting

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motion within a selected range of said communication system, wherein said means (i.e. a memory) for retrievably storing said message, said means (52) (i.e. speech recognition circuit) for retrieving said message and said means (50) (i.e. speech synthesizer circuit) for transmitting said message to a user are in communication with said at least one motion detector (64) (i.e. motion sensor), and wherein said at least one motion detector (64) (i.e. motion sensor) transmits a signal upon detection of motion within said selected range of said communication system and activates said means for transmitting said at least one message (col. 3 lines 1-46; see Figures 3-4B);

- b. selecting a location for placement of said communication system (col. 2 lines 56-63; see Figure 3);
- c. retrievably storing a message (col. 3 lines 1-10);
- d. detecting the presence of a user via said motion detector (col. 3 lines 32-37); and
- f. allowing the user to verbally dictate from a set of commands to direct subsequent message handling (col. 3 lines 5-10).

However, Hartstein did not explicitly disclose step e. notifying the user of message status.

In the same field of endeavor of voice mail system, Knuth et al. disclose notifying the user of message status (col. 4 lines 33-47) that the user have mail.

One ordinary skill in the art understands that notifying the user of mail of Knuth et al. is desirable in the electronic mail system of Hartstein because both Hartstein and

Knuth et al. suggest electronic mail system and Knuth et al. further disclose the notifying function in order to notify the user that he/she got mail.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

A handwritten signature in black ink, appearing to read "Michael Horabik", written over the printed name and title.